

SW NO. 5022

**STATE of CALIFORNIA, COUNTY of ORANGE,
SEARCH WARRANT and AFFIDAVIT
(AFFIDAVIT)**

2011 JUL 14 8:09:32

Michael Farley swears under oath that the facts expressed by him/her in the attached and incorporated **Statement of Probable Cause** are true and that based thereon he/she has probable cause to believe and does believe that the articles, property, and persons described below are lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below, and are now located at the locations set forth below. **CLAUDIA PORTELA** swears that this Search Warrant be issued.


(Signature of Affiant)

HOBBS SEALING REQUESTED: ☐ YES ☒ NO
NIGHT SEARCH REQUESTED: ☐ YES ☒ NO

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF ORANGE: proof by affidavit, under penalty of perjury, having been made before me by **Michael Farley** that there is probable cause to believe that the property or person described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below by "☒"(s), in that:

- ☐ it was stolen or embezzled;
- ☒ it was used as the means of committing a felony;
- ☐ it is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery;
- ☒ it tends to show that a felony has been committed or that a particular person has committed a felony;
- ☐ it tends to show that sexual exploitation of a child, in violation of Penal Code Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring;
- ☐ there is a warrant to arrest the person;
- ☐ a provider of electronic communication service or remote computing service has records of evidence, as specified in Penal Code Section 1524.3, showing that property was stolen or embezzled constituting a misdemeanor, or that property or things are in possession of any person with intent to use them as a means of committing a misdemeanor public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing their discovery;

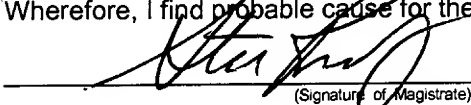
You are Therefore COMMANDED to SEARCH: (premises, vehicles, persons)

See Attached 1-A

For the FOLLOWING PROPERTY or PERSON(s):

See Attached 1-B

AND TO SEIZE IT / THEM IF FOUND and bring it / them forthwith before me, or this court, at the courthouse of this court. This **Search Warrant and Affidavit** and attached and incorporated **Statement of Probable Cause** were sworn to as true and subscribed before me on this 12th day of JUL, 2011, at 7:12 A.M. / P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.


(Signature of Magistrate)

HOBBS SEALING APPROVED: ☐ YES ☒ NO
NIGHT SEARCH APPROVED: ☐ YES ☒ NO

Judge of the Superior Court of California, County of Orange, **Central Justice Center, Dept. C28**

STEWART BLUMBOLG
(Magistrate's Printed Name)

COMMANDED to SEARCH:

THE PREMISES at [REDACTED] Flower Street [REDACTED] Garden Grove, California, 92843 is a multi-unit apartment building located on the west side of Flower Street. The apartment complex is a two-story apartment building with three units on the bottom and three units on the top. The front of the building has tan stucco with light blue wood trim.

Unit #21 is located upstairs at the far northeast corner of the building. There are two 2"X 2 ½" dark numbering emblems nailed on the center of the door approximately 6' from the ground. The emblems are number 2 and number 1 indicating the unit number. The front door faces east and has a white metal trim screen door that does not secure. This is to include all rooms, attics, basements, and other parts therein, the surrounding grounds and any garages, storage rooms, trash containers, and outbuildings of any kind located thereon to be searched.

The White 1989, Toyota Celica bearing California License plate [REDACTED] and registered to Catherine Kieu

FOR THE FOLLOWING PROPERTY:

1. Microscopic / biological evidence including but no limited to, blood, saliva, semen, pubic hairs, any and all body fluids, and human skin in the commission of the crime.
2. Any articles or personal property containing or establishing the identity of persons who have dominion and control over the premises, automobiles, items to be seized, including rent receipts, utility bills, miscellaneous addressed mail, personal letters, personal identification, keys, purchase receipts, sales receipts, tax statements, photographs, vehicle pink slips, and vehicle registrations.
3. Computer, digital camera(s), digital video camera(s) and digital camera paraphernalia; personal computers and computer systems with equipment including processors, monitors, keyboards, terminals, internal hard disk drives, external hard disk drives, floppy disk drives, tape drives, floppy disks, zip drives, thumb drives, jump drives, modems, cartridges, tapes, CD ROMs, CDs, laser disks, video cassettes, recording devices, digital cameras and their players and/or data transfer cables for any such recording or playing, any information or data stored in a media capable of being read by a computer or other electronic storage devices; such as memory sticks or memory cards on which images are stored by the camera and removed to allow data or image transfer via computer.
4. Any prescription or over the counter drugs/medicines, or chemicals to include, but not limited to Narcotics, sedatives, sleep aids, or other substance which could be used to incapacitate an individual.
5. Food, cooked or uncooked, which may show the means of ingestion or type of chemical or substance used in the commission of the crime.
6. Any and all knives/cutting instruments used to aid and abet in the commission of the crime; any white nylon or similar type rope used to aid and abet in the commission of the crime; clothing of the suspects(s) and/or victims(s) and any bedding; photos and film, developed and undeveloped; samples of paint, glass, and other fluids and solids that may have stained or adhered to the clothing and person of the victim(s) and/or suspect(s).

With respect to item #3, I request permission to remove the any computer, digital camera(s), digital video camera(s) and digital camera paraphernalia; personal computers and computer systems with equipment to another location for examination by properly trained technicians, as many computers and/or other electronic data storage media sometimes contain so much data as to make an on-site inspection impractical.

STATE OF CALIFORNIA - COUNTY OF ORANGE
ATTACHED AND INCORPORATED
STATEMENT OF PROBABLE CAUSE

Affiant declares under penalty of perjury that that the following facts are true and that there is probable cause to believe, and affiant does, that the designated articles, property, and persons are now in the described locations, including all rooms, buildings, and structures used in connection with the premises and buildings adjoining them, the vehicles and the persons:

Your affiant, Michael Farley, is a police officer for the Garden Grove Police Department and has been so employed for the past 10 years. I am currently assigned to the Homicide Unit. Prior to working at the Garden Grove Police Department, I was employed as a full time police officer for the City of Fountain Valley for eleven years after having completed the Orange County Sheriff's Academy in 1990.

During my employment with the Fountain Valley Police Department, I had the opportunity to work in the patrol division taking initial crime reports in the field and as an Investigator in the Detective Bureau of the department investigating both crimes against property and crimes against persons. I have attended and completed the POST Basic Investigations course, and Interview and Interrogations Course.

In September 2000, I began my employment with the Garden Grove Police Department. Since that time, I have worked in the Patrol Division taking initial crime reports and the Detective Bureau investigating Burglaries, Domestic Violence, Major Assaults and Homicides.

During my twenty years as a Police Officer, I have investigated over 400 Assault related crimes ranging from minor assaults to Aggravated Batteries and Homicides. I have arrested and spoken to numerous subjects arrested for Assault and Homicides.

I have received advanced officer training from the Orange County District Attorney's Office with regard to Major Assaults and Homicides. I have been the case investigator on homicides and have assisted other Investigators with homicide investigations and search warrants.

On Monday 7-11-11, at approximately 2130 hours, Garden Grove Police Department Detectives were called into to assist patrol on a domestic violence investigation. GGPd Officer Capps was one of the first responding Officers and told Detective Martinez the following:

On 7-11-11 at 2102 hours, Officer Capps was dispatched to a domestic violence with weapons call at [REDACTED] Flower Street [REDACTED] in the city of Garden Grove. GGPd Communications advised that a female had cut off her husband's penis and put it in the garage disposal. Upon Officer Capps' arrival, he saw a female inside the apartment holding a phone in her hand. Officer Capps noticed the female had blood splatter on her leg(s) and shirt. The front door was opened and he called the female, later identified as Catherine Kieu, out to the front door.

Kieu was detained and officers entered the apartment. Officer Capps entered the master bedroom and found the 60-year-old victim lying on the bed. The victim's hands and feet were tied/bound to the bedpost with a white nylon rope. The victim had a towel

soaked in blood covering his groin area. Officers untied his hands and cut the victim free. The victim told Officer Capps that his wife Kieu cut him.

Officers checked the kitchen sink garage disposal and located the victim's severed penis. The medics arrived on scene and transported the victim to the UCI Medical Center for his injuries. The victim's penis was also collected by the medics and it too was transported to the hospital with the victim. Officer Villegas went to the hospital and obtained a detailed statement from the victim. Kieu was subsequently arrested for the assault and transported to the Garden Grove Police Department.

At approximately 2350 hours, Detective Martinez spoke to Officer Villegas about the victim's statement. The victim and Kieu have been married for 1½ years. The victim told Officer Villegas that they have been having marital problems. As a result of their marital problems, the victim filed for a divorce a month ago.

On 7-11-11, at approximately 1730 hours, the victim came home from work. The victim and Kieu had a discussion about a male friend staying with them, but Kieu did not want the friend to stay with them. The victim and Kieu proceeded to have dinner at approximately 1845 hours. Kieu had prepared tofu for dinner. The victim remembers the food tasting "metallic." He asked Kieu if she had added more salt to the dinner and Kieu responded that it was the normal amount she uses when she cooks. Kieu asked the victim if he wanted seconds, but he said no. The victim does not know if Kieu placed the leftovers in the refrigerator or threw it away.

After dinner the victim felt tired and he went to sleep at approximately 2100 hours. The victim went to sleep in his bedroom on his bed. The next thing the victim remembers is Kieu tying (restraining) his right wrist. Kieu then proceeded to unbutton

his pants and pulled them down, along with his underwear. Kieu pulled the victim's shirt up exposing his penis. The victim asked what she was doing and Kieu said, "You deserve it. You deserve it."

Kieu grabbed his penis and with one swift motion she severed it. The victim did not see what she used it cut his penis off, but he believes it was a knife. The victim believes Kieu was upset at him for filing for a divorce. Officer Villegas asked the victim if they ever used ropes or restrains when being intimate and he said no. The victim told Officer Villegas that they have not had sex in 6 months. Kieu exited the bedroom and called the police.

Based on the totality of the circumstances those being that a the victim was tied up and his penis was severed off causing permanent disability or disfigurement and this constitutes a felony; I believe that physical evidence of this crime will be located inside the apartment and the Suspect, Catherine Kieu's vehicle.

The victim described the victim's vehicle as a white Toyota Celica. I conducted a DMV registration inquiry and discovered that the suspect, Catherine Kieu, has a 1989, Toyota Celica registered to her. The license plate of that vehicle is [REDACTED]

On 7-12-11, Detective Martinez obtained a search warrant for the apartment where the crime occurred. This particular location is the home of both the suspect and victim. Detective Martinez and other Garden Grove PD Investigators served the warrant and seized several items of evidence listed on the warrant signed by the Honorable Judge Bromberg of the Orange County Superior Court. After seizing several items of evidence, Officers left the scene. Several hours later, the Case Agent, Detective Ramirez, learned

that a home computer and the home answering machine were left behind in the residence. These items are potentially important pieces of evidence as the victim and suspect both have access to them and they could contain email, or correspondences discussing the crime as well as computer searches for the implements used in the crimes. The answering machine can also establish dominion and control of the premises. Your affiant requests the authorization to re-enter the victim's residence at [REDACTED] Flower Street [REDACTED] in the City of Garden Grove, County of Orange, State of California to seize these items.

Based on my training and experience, I know that persons accused of assaults, murders and rapes will often times conceal or leave evidence of their crime either knowingly or unknowingly behind their vehicles often times as a means of preventing the discovery of those items of evidence. I request the courts authorization to search the suspect vehicle for those items listed on Attachment B of this warrant.

Peace Officers or assigned representatives are authorized, during the execution of this Search Warrant, to video tape, photograph, and/or take digital images of the scene and surrounding area(s), take measurements and make sketches of the scene and adjacent areas; and to seize weapons, bludgeons, and knives; suspected blood and other physiological fluids; hair and fibers; fingerprints, footprints, and other impressions left at the crime scene; any and all instruments used to aid and abet in the commission of this assault, clothing of the suspect and/or victim; photos and film, developed and

undeveloped; samples of paint, glass, and other fluids and solids that may have stained or adhered to the clothing and person of the victim and/or suspect.

I may need to have a forensic specialist for the location(s) to be searched, to aid in the search for trace evidence of blood, hair fibers, bodily fluids, body tissue and fingerprints at the location. I requests permission to photograph the location and its contents. I also requests permission to seize any personal photographs at the location that depict.

In regards to the victim describing the food tasting "metallic," I believe the victim may have been drugged. I request permission to search and seize all prescription and over the counter medication to include; but not limited to narcotics, sleep aids, sedatives or any other medication which may be used to incapacitate the victim.

Based on my training, experience and conversations that I have had with other law enforcement officers and/or reports that I have read, I know that during the service of this Search Warrant there are many articles of personal and/or business property tending to establish the identity of persons who have dominion and control over the premises, business, vehicles, and/or items to be seized. I believe that these items will tend to connect the premises, locations, persons, and vehicles to be searched with the items to be seized and the case being investigated. It is my opinion that these types of items are usually present at the location sought to be searched by this Search Warrant and that they will therefore likely still be found in the location, and/or the person to be searched.

With respect to computer systems and any items listed above, the Peace Officers are authorized to search the booked evidence. It is my experience that computer system searches and examinations cannot be completed within ten days, in which the Search

Warrant must be served and the Return to Search Warrant filed. This is due in part because Technology Computer Crime Investigation Units, that completes the computer search and examinations, have multiple computer cases working at the same time and it can take several weeks to months to complete. It is requested that the ten-day requirement be waived to provide me ample time to process and comply with the Search Warrant in a timely manner. The Return to Search Warrant will be filed promptly upon completion of the computer search and examinations that are filed with the Case Investigator.

I believe that based on the aforementioned facts and circumstances, that there is reasonable cause to believe that the grounds for issuance of a search warrant exist as set forth in section 1524 of the California Penal Code.

I request that a search warrant be issued based upon the above facts, for the seizure of said property and for any part thereof, between the hours of 7 AM and 10 PM, good cause being shown therefore, and that the same be brought before the magistrate, or retained subject to order of the court, or any other court in which the property or things taken, is triable pursuant to section 1536 of the California Penal Code.

Items attached and incorporated by Reference: YES [] NO []

I certify (declare) under penalty of perjury that the foregoing is true and correct.

Executed at _____, California _____
Signature of Affiant

Date: _____ at _____ [A.M.] [P.M.]

Reviewed by: _____ Date: _____ at _____ [A.M.] [P.M.]
Signature of Deputy District Attorney

SW NO.

STATE OF CALIFORNIA-COUNTY OF ORANGE
 RETURN TO SEARCH WARRANT

Michael Farley, being sworn, says that he conducted a search pursuant to the below described search warrant: **CLAUDIA PORTELA**

Issuing Magistrate: Honorable Judge Bromberg
 Magistrate's Court: Central Orange County Superior Court Dept C28

Date of Issuance: July 12, 2011
 Date of Service: July 12, 2011

and searched the following location(s), vehicle(s), and person(s):

Locations:

The residence located at [REDACTED] Flower Street [REDACTED] City of Garden Grove, County of Orange, State of California

The white 1989, Toyota Celica bearing California License plate [REDACTED] registered to Catherine Kieu

and seized the items

 X described in the attached and incorporated inventory.
 described below:

I further swear that this is a true and detailed account of all the property taken by me pursuant to the search warrant, and that pursuant to Penal Code Section 1528 and 1536 this property will be retained in my custody, subject to the order of this court or of any other court in which the offense in respect to which the seized property is triable.

(signature of Affiant)

Sworn to and subscribed before me this 13th day of July, 2011.

(signature of Magistrate)

Judge of the Central West Justice Center Court, C-28

a